

REMARKS

The *Ex parte Quayle* Action of August 4, 2004 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending objections are requested for the reasons advanced in detail below.

Filed concurrently herewith is a *Request for a One Month Extension of Time* which extends the shortened statutory period of response to November 4, 2004. In addition, Applicants are filing herewith a Request for Continued Examination (RCE) and an Information Disclosure Statement for consideration in this case. Accordingly, Applicants respectfully submit that this response is being timely filed.

Claims 1-18 were pending prior to the instant amendment. By this amendment, claims 1, 6, 8, 10, 14, 16 and 18 are amended to address the Examiner's objections, and claims 4, 5, 7, 9, 12, 13, 15 and 17 are cancelled without prejudice to file a divisional application directed thereto.

Addressing the Official Action, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, claim 18 includes the limitations "an insulating surface" and a "third electrode is located adjacent to and overlapped with the nanotube" which the Examiner contends is not supported by the specification. Claim 18 is amended to change "an insulating surface" to "substrate" to overcome this aspect of the objection.

Applicants, however, contend that the limitation of "a third electrode is located adjacent to and overlapped with the nanotube" is supported in the specification and drawings. More specifically, the third electrode corresponds to electrodes 102 and 202 shown in embodiment 1 and in Fig. 1-3B; 402 shown in embodiment 2 and in Figs. 4A-4D; and 506 shown in embodiment 3 and in Figs. 5A and 5B. Reconsideration and withdrawal of this aspect of the objection are respectfully requested.

Claims 1, 10 and 18 are also objected to because of informalities. In order to overcome these objections, Applicants amend claims 1, 10 and 18. In addition, Applicants also amended claims 6, 8, 14 and 16 to correct further informalities contained therein.

The Drawings are also objected to for failing to include reference numbers that are not expressly provided in the specification, as required under 37 C.F.R. 1.84(p)(5). Applicants amend page 11 in order to add the reference number 207 and amend page 15 to add reference

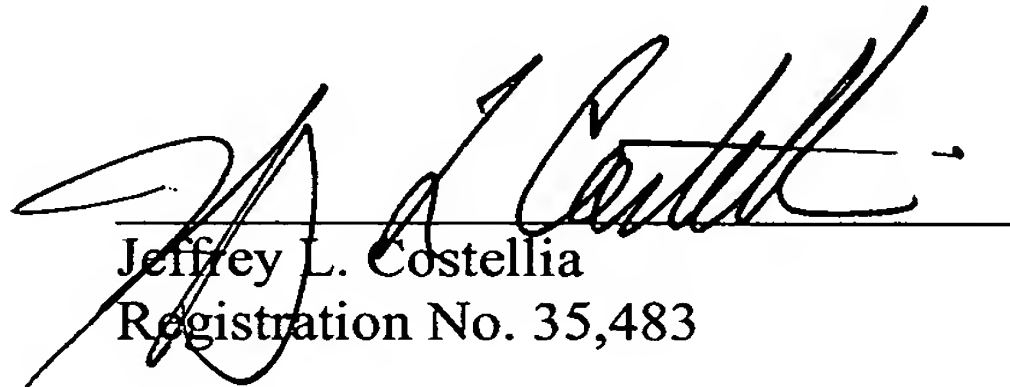
number 408 in order to overcome these objections to the drawings.

Figure 6 is also objected to for failing to include a legend –Prior Art--. Applicants amend Fig. 6 to add “Prior Art” in order to overcome the above rejection.

In addition to the above, the Examiner is requesting that withdrawn claims 4, 5, 7, 9, 12 and 17 be cancelled. In order to place this application in condition for allowance, Applicants cancel claims 4, 5, 7, 9, 12 and 17, as well as claims 13 and 15 since they are dependent on cancelled claim 12.

In view of the foregoing, it is respectfully requested that the objections of record be reconsidered and withdrawn by the Examiner, that claims 1-3, 6, 8, 10, 11, 14, 16 and 18 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,



Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000

IN THE DRAWINGS:

Applicants have amended Fig. 6 as attached hereto.